

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jonathan (nmi) Ellenberg, et al.
Serial No.: 09/624,439
Filing Date: July 24, 2000
Group Art Unit: 3696
Confirmation No.: 5413
Examiner: Daniel S. Felten
Title: *A SYSTEM AND METHOD FOR CONDUCTING
A CUSTOMER AFFINITY PROGRAM AUCTION*

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION AND/OR ELECTION REQUIREMENT

Applicants acknowledge receipt of the Office Action dated May 5, 2008, which sets forth an election of inventions requirement. Applicants traverse the election of inventions requirement on the grounds that the Examiner has already searched and examined these Claims 1-57 several times. Moreover, the most recent amendment made to the claims do not provide any grounds for this elections of inventions requirement. As such, no serious burden is placed on the Examiner to continue examination on the merits, and the elections of inventions requirement is therefore improper. See MPEP § 803 (“If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.”). Applicants provisionally elect Group I, Claims 1-11, 34-35, and 40-45 for prosecution, and provisionally withdraw the remaining claims without prejudice or disclaimer.